



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD).No.2571 of 2018 (PD)

Baskaran

... Petitioner/Plaintiff

Vs.

R.Razak

... Respondent/ Defendant

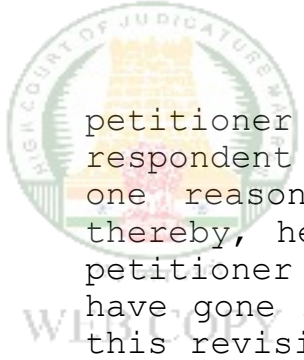
PRAYER:- Civil Miscellaneous Petitions filed under Article 227 of the Constitution of India, praying to direct the Court of the Additional District Munsif of Madurai Town, Madurai to complete the trial in the case in O.S.No.258 of 2008 within a stipulated period.

For petitioner : Mr.M.Jothibas

ORDER

This civil revision petition has been filed by the petitioner seeking for a direction to the learned Additional District Munsif, Madurai Town to complete the trial in O.S.No.258 of 2008 within a stipulated time.

2. According to the petitioner / plaintiff, the respondent / defendant attempted to encroach the common pathway and therefore, he has filed the suit in O.S.No.258 of 2008 for the relief of declaration and permanent and mandatory injunctions against the respondent herein. The respondent / defendant has entered appearance and filed his written statement. During the pendency of the suit for trial, the petitioner / plaintiff has filed an application in I.A.No.432 of 2009 for appointment of Advocate Commissioner and the same was allowed and the Advocate Commissioner has filed his report. On 11.07.2013, the petitioner was examined in chief and the trial Court posted the case for PW1's cross examination on 22.07.2013. While so, the respondent / defendant has filed an application in I.A.No.814 of 2014 for appointment of Advocate Commissioner and the same was subsequently allowed and the Advocate Commissioner has filed his report and plan. Then, the case is posted for cross examination of PW1 on 08.06.2018. But, the respondent / defendant has filed an application in I.A.No.580 of 2018 seeking to strike out the proof affidavit filed by the



petitioner / plaintiff. The grievance of the petitioner is that the respondent / defendant is in the habit of taking adjournment stating one reason or another and filing petitions after petitions and thereby, he has been dragging the matter for about ten years. The petitioner is a senior citizen aged about 65 years and now ten years have gone from the date of filing of the suit. Hence, he has filed this revision petition seeking a direction for early disposal of the suit.

3. Heard the learned counsel for the petitioner / plaintiff. In view of the limited relief sought for by the petitioner, this Court is of the view that notice need not be sent to the respondent.

4. In view of the above and also considering the fact that the suit is pending for about 10 years and considering the age of the petitioner / plaintiff, this Court is inclined to issue the following direction to the Court below:

The Court below is directed to conduct the case on day-to-day basis, complete the trial and dispose of the suit on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. The Court below is directed to send the compliance report to the Registry of this Court. Both the parties are directed to cooperate with the Court below for early disposal of the case. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The Additional District Munsif,
Madurai.

COPY TO

1.The Registrar(Judicial)
Madurai Bench of Madras High Court, Madurai.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai.2 COPIES

• 1 CC TO Mr.M.JOTHI BASU , ADVOCATE IN SR No. 96272.

•

GCG

DS PM SAR2 13 12 2018 2P 6C

C.R.P (MD) .No.2571 of 2018
22.11.2018